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Attorneys for Defendant
The Best Service Co., Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

JEFFERSON ROBINSON, Plaintiff vs. THE BEST SERVICE CO., INC., Defendants.	Case No.: 5:16-cv-03346 EJD NOTICE OF HEARING ON MOTION FOR FINDING OF BAD FAITH & HARASSMENT & FOR AWARD TO THE BEST SERVICE CO., INC. OF ATTORNEY FEES Before: Hon. Edward J. Davila Date: November 10, 2016 Time: 9:00 a.m. Courtroom: 4 (5th Floor)

To PLAINTIFF JEFFERSON ROBINSON AND TO HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT, on November 10, 2016, at the hour of 9:00 A.M. in Courtroom 4 of the above-entitled Court located at 280 South 1st Street, San Jose, CA 95113, Defendant The Best Service Co., Inc. will move the court for a finding that Plaintiff's filing of the Complaint (the "Complaint") was initiated and conducted in bad faith and therefore an award of attorneys' fees to Defendant The Best Service, Co., Inc. for its defense of the Plaintiff's filing of the Complaints is appropriate.

Defendant's Motion is based upon the basis that:

(1) Defendant The Best Service Co., Inc. is entitled to attorneys' fees associated with the defense of the Plaintiff's Complaints, pursuant to *Fed. R. Civ. P. 54(d)* and the bad faith exception to the American rule against the award of attorneys' fees;

(2) The filing of Plaintiff's Complaints was in "bad faith". Under the bad faith exception to the American rule against attorneys' fees, a prevailing party is entitled to attorneys' fees where the litigation was instituted and/or maintained in bad faith.

(3) Defendant is entitled to Attorney fees under Rule 11 on the basis that the claims of the Complaint are not warranted by existing law and the factual contentions have no evidentiary support.

Defendant is hereby requesting a finding that the Plaintiff's Complaint was filed in bad faith and the Defendant be awarded attorney fees in the sum of $15,390.

Dated: October 7, 2016

Respectfully Submitted,
LAW OFFICES OF CLARK GAREN
(Salaried Employees of The Best Service Co., Inc.)

By: s/ Kevin Kump
KEVIN KUMP

Attorney for the Defendants

Email: kkump@tbsc.la

CERTIFICATE OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18, employed in the County of Los Angeles, State of California, and not a party to the above-entitled cause. My business address is 6700 S. Centinela Ave., 3rd. Floor, Culver City, CA 90230. On October 7, 2016, I served a true copy of:

NOTICE OF HEARING ON MOTION FOR FINDING OF BAD FAITH & HARASSMENT & FOR AWARD TO THE BEST SERVICE CO., INC. OF ATTORNEY FEES

on the below interested parties in this action by use of the Court's CM/ECF Electronic Filing System.

SEE ATTACHED SERVICE LIST

I caused the documents listed above to be filed electronically using the Court's Electronic Filing System which constitutes service, pursuant to General Order 550 of the above-titled Court, upon the counsel on the service list.

I declare under penalty of perjury under the laws of the United States of America that I am a member of the Bar of this Court and that the foregoing is true and correct.

Dated: October 7, 2016

__/s/___Kevin Kump__________________
Kevin Kump

SERVICE LIST

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